

Senate Bill 351

By: Senators Cowser of the 46th, Tolleson of the 20th, Bulloch of the 11th, Williams of the 19th, Smith of the 52nd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 8 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,
2 relating to comprehensive state-wide water management planning, so as to provide for a joint
3 State-wide Water Planning Oversight Committee and the members, powers, and duties
4 thereof; to provide procedures for legislative override of certain rules and regulations; to
5 amend Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to
6 procedural requirements for adoption, amendment, or repeal of rules, emergency rules,
7 limitation on action to contest rules, and legislative override, so as to change certain
8 provisions relating to legislative override; to provide an effective date; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 8 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to
13 comprehensive state-wide water management planning, is amended by adding a new Code
14 section to read as follows:

15 "12-5-526.

16 (a)(1) There is created as a joint committee of the General Assembly the State-wide
17 Water Planning Oversight Committee, to be composed of three members of the Senate
18 appointed by the President of the Senate, the chairperson of the Senate Natural Resources
19 and the Environment Committee, three members of the House of Representatives
20 appointed by the Speaker of the House, and the chairperson of the House Committee on
21 Natural Resources and Environment. The members of the oversight committee shall
22 serve two-year terms concurrent with their terms as members of the General Assembly.
23 During even-numbered years, the chairperson of the Senate Natural Resources and the
24 Environment Committee shall serve as chairperson of the oversight committee, and the
25 chairperson of the House Committee on Natural Resources and Environment shall serve
26 as vice chairperson of the oversight committee. During odd-numbered years, the

1 chairperson of the House Committee on Natural Resources and Environment shall serve
2 as chairperson of the oversight committee, and the chairperson of the Senate Natural
3 Resources and the Environment Committee shall serve as vice chairperson of the
4 oversight committee. Any vacancy in an appointed member's position shall be filled for
5 the unexpired term in the same manner as the original appointment. Initial appointments
6 shall be made not later than July 1, 2008.

7 (2) The oversight committee shall advise the General Assembly regarding the
8 implementation of any state-wide water management plan under this article. The
9 committee shall meet upon the call of the chairperson.

10 (b) For purposes of subsection (e) of Code Section 50-13-4, the oversight committee shall
11 serve as the appropriate standing committee for both the Senate and the House of
12 Representatives in regard to any rules or regulations to implement any state-wide water
13 management plan under this article or otherwise pertaining to water quantity management,
14 water demand management, water return management, water supply management, water
15 quality management, enhanced water quality standards and monitoring practices, enhanced
16 water pollution control management practices, regional water planning, or drought
17 management if such rules or regulations are not required for compliance with federal
18 statutes or regulations or to exercise certain powers delegated by the federal government
19 to the state to implement federal statutes or regulations.

20 (c) Subsections (f) and (g) of Code Section 50-13-4 shall not apply to any rules or
21 regulations that are subject to this Code section.

22 (d) In the event the oversight committee, after consultation with the director, files an
23 objection to a proposed rule or regulation with the chairperson of the Board of Natural
24 Resources prior to the board's taking action on the proposed rule or regulation, then the
25 same shall be stayed. Thereafter, by introduction of a resolution in either the Senate or the
26 House of Representatives within the first 30 days of the next regular session of the General
27 Assembly, the objection may be considered for ratification by joint resolution of the
28 General Assembly. Upon such a resolution being introduced in or transmitted to either
29 house, the presiding officer shall refer the resolution to the natural resources committee
30 thereof, and the chairperson of the committee shall call and conduct a committee meeting
31 for purposes of hearing testimony from the department and other interested persons,
32 entertaining motions, and taking action on the resolution not more than five days after the
33 resolution was referred to the committee. The department shall be given written notice of
34 the committee meeting not less than 24 hours in advance thereof. If the resolution is
35 reported out of committee, then such resolution shall be placed on the calendar and put
36 upon its adoption not more than five days after being reported out of committee. In the
37 event such a resolution is adopted by the requisite constitutional majority in either body of

1 the General Assembly, it shall be immediately transmitted to the other body of the General
2 Assembly, and the same procedures and time limits shall apply. If a resolution ratifying
3 the objection is adopted by the requisite constitutional majority in the House of
4 Representatives and the Senate, the resolution shall be submitted to the Governor for his
5 or her approval or veto. If such a resolution ratifying the objection becomes law with or
6 without the Governor's approval on or before July 1 next following the regular session of
7 the General Assembly, the proposed rule shall not become effective; otherwise, the
8 proposed rule shall become effective on said July 1."

9 **SECTION 2.**

10 Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedural
11 requirements for adoption, amendment, or repeal of rules, emergency rules, limitation on
12 action to contest rules, and legislative override, is amended by adding a new subsection to
13 read as follows:

14 "(g.1) Subsections (f) and (g) of this Code section shall not apply to any rules or
15 regulations to implement any state-wide water management plan under Article 8 of
16 Chapter 5 of Title 12 or otherwise pertaining to water quantity management, water demand
17 management, water return management, water supply management, water quality
18 management, enhanced water quality standards and monitoring practices, enhanced water
19 pollution control management practices, regional water planning, or drought management
20 if such rules or regulations are not required for compliance with federal statutes or
21 regulations or to exercise certain powers delegated by the federal government to the state
22 to implement federal statutes or regulations. Any rules or regulations that are exempt from
23 subsections (f) and (g) of this Code section pursuant to this subsection shall be subject to
24 legislative objection and override as provided by Code Section 12-5-526."

25 **SECTION 3.**

26 This Act shall become effective upon its approval by the Governor or upon its becoming law
27 without such approval.

28 **SECTION 4.**

29 All laws and parts of laws in conflict with this Act are repealed.